



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10  
1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ENVIRONMENTAL CLEANUP

FEB 23 2010

Gregory Evans  
Milbank, Tweed, Hadley & McCloy LLP  
601 S. Figueroa Street, Thirtieth Floor  
Los Angeles, CA 90017-5735

Re: Freedom of Information Act (FOIA) Request **10-FOI-00061-10**

Dear Mr. Evans:

This letter is the final response to your FOIA request received by the Environmental Protection Agency (EPA) on November 19, 2009, as refined by your conversations with Ted Yackulic of EPA's Regional Counsel. During conversations with Mr. Yackulic, you limited the scope of your request as follows: correspondence and settlement agreements by and between the United States and persons or entities identified as Potentially Responsible Parties (PRPs), excluding the Hecla Mining Company, at Operable Units 3 of the Bunker Hill Mining and Metallurgical Complex Superfund Site; reports by Keith Long, HRA, Rex Bull, and Fred Quivik that the United States developed to support its efforts during phase 1 of the Coeur d'Alene Basin litigation; and records contained in sections 4.3 through 4.14 of the Site File for Operable Unit 3 related to the Union Pacific Railroad Company and the Burlington Northern Santa Fe Railway.

On December 23, 2009, EPA mailed you the first interim response to your request. Enclosed please find photocopies and a DVD containing copies of publicly releasable documents responsive to your refined FOIA request. This letter transmits information you requested related to the Union Pacific Railroad Company and the Burlington Northern Railroad Company.

Also enclosed is an index of documents that have been withheld. We are unable to provide copies of documents that are exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b)(7)(A) - Enforcement Confidential and 5 U.S.C. 552(b)(3)(B) - Confidential tax returns and other financial information.

The cost to produce your FOIA request is \$1350.40: \$560 for 20 hours of Professional Search and Review time at \$28.00 per hour; \$788.40 for 5256 pages of photocopy at \$.15 per page, and \$2.00 for 2 CDs at \$1.00 each. Per your email dated December 16, 2009, you have given your assurance of payment of all FOIA fees necessary to obtain copies of documents responsive to your request. Enclosed is a bill and payment instructions. Send your payment to U.S. EPA, FOIA and Miscellaneous Payments, Cincinnati Finance Center, P.O. Box 979078, St. Louis, MO 63197-9000. Visit [www.pay.gov/paygov/](http://www.pay.gov/paygov/) to pay by debit or credit card.

You may appeal this response to the National Freedom of Information Officer, U.S. EPA, FOIA and Privacy Branch, 1200 Pennsylvania Avenue, N.W. (2822T), Washington, DC 20460



USEPA SF



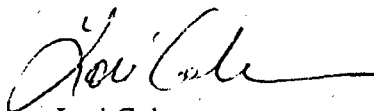
1339696

(U.S. Postal Service Only), FAX: (202) 566-2147, e-mail: [hq.foia@epa.gov](mailto:hq.foia@epa.gov). Only items mailed through the United States Postal Service may be delivered to 1200 Pennsylvania Avenue, NW. If you are submitting your appeal via hand delivery, courier service or overnight delivery, you must address your correspondence to 1301 Constitution Avenue, N.W., Room 6416J, Washington, DC 20001. Your appeal must be made in writing, and it must be submitted no later than 30 calendar days from the date of this letter. The Agency will not consider appeals received after the 30 calendar day limit. The appeal letter should include the FOIA Number listed above. For quickest possible handling, the appeal letter and its envelope should be marked "Freedom of Information Act Appeal."

This information is provided by the Office of Environmental Cleanup and the Office of Regional Counsel. If you have any questions regarding this FOIA response, please contact Mr. Ted Yackulic at 206-553-1218 or by email at [Yackulic.Ted@epa.gov](mailto:Yackulic.Ted@epa.gov).

This concludes the EPA Region 10 interim response to FOIA request number **10-FOI-00061-10**.

Sincerely,



Lori Cohen  
Acting Director  
Office of Environmental Cleanup

Enclosures

## **List of Confidential Documents for Bunker Hill Basin 4.3-4.14**

(re 2<sup>nd</sup> Bunker Hill FOIA Response)

Email re: Pine Creek Repository.

DATE: 6/17/1996

DOC ID: 1350643

PAGES: 2

AUTHORS: Mackey, Cynthia L

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Wheeler, John

CONFIDENTIAL: Attorney-Client Communication

Letter re: Pine Creek Repository.

DATE: 7/1/1996

DOC ID: 1350982

PAGES: 3

AUTHORS: Mackey, Cynthia L

AUTHOR ORG: EPA

ADDRESSEE ORG: U. S. Dept. of the Interior

ADDRESSEES: Stein, Barry

CONFIDENTIAL: Attorney-Client Communication

Draft Human Health Residential Barriers Counter-Proposal Text.

DATE: 6/18/1997

DOC ID: 1071016

PAGES: 11

AUTHORS: Von Lindern, Ian H; Bourque, Tom

AUTHOR ORG: TerraGraphics Environmental Engineering, Inc.; TerraGraphics Environmental Engineering, Inc.

ADDRESSEE ORG: Idaho Office of Attorney General

ADDRESSEES: Fransen, Curt A

CONFIDENTIAL: Attorney-Client Work Product

Memo regarding counteroffer to Union Pacific. Memo transmits the draft of the comprehensive counter proposal. (7 additional addressees).

DATE: 7/8/1997

DOC ID: 1142922

PAGES: 1

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: Givens Funke & Work; TerraGraphics Environmental Engineering, Inc.; Idaho Office of Attorney General; Ridolfi Engineers and Associates, Inc.; U. S. Dept. of the Interior

ADDRESSEES: Funke, Howard; Bourque, Tom; Fransen, Curt A; Ridolfi, Callie A; Foley, Bob

CONFIDENTIAL: Attorney-Client Communication

Fax transmitting comments on the Draft letter regarding Comprehensive Settlement Proposal to Union Pacific Prepared by the U. S., the Coeur d'Alene Tribe, and the State of Idaho for Environmental Claims Relating to the Wallace-Mullan Branch in Idaho.

DATE: 7/9/1997

DOC ID: 1142925

PAGES: 25

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: U. S. Dept. of Justice

ADDRESSEES: Swegle, Thomas W

CONFIDENTIAL: Attorney-Client Privilege

Memo transmitting the latest draft of the Union Pacific offer. (Attachment not included).

DATE: 7/16/1997

DOC ID: 1142926

PAGES: 1

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: Idaho Office of Attorney General; Givens Funke & Work; U. S. Dept. of the Interior; Coeur d'Alene Tribe; EPA

ADDRESSEES: Fransen, Curt A; Funke, Howard; Foley, Bob; Cernera, Phillip J; Villa, Clifford J

CONFIDENTIAL: Attorney-Client Work Product

Memo providing EPA comments on the latest Union Pacific offer.

DATE: 11/19/1997

DOC ID: 1071018

PAGES: 4

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: U. S. Dept. of Justice

ADDRESSEES: Swegle, Thomas W

CONFIDENTIAL: Attorney-Client Work Product

Memo regarding list of questions regarding the latest offer and the list of field visit topics.

DATE: 11/26/1997

DOC ID: 1142921

PAGES: 3

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: Givens Funke & Work; Coeur d'Alene Tribe; Idaho Office of Attorney General

ADDRESSEES: Funke, Howard; Cernera, Phillip J; Fransen, Curt A

CONFIDENTIAL: Attorney-Client Communication/Work Product

Memo regarding information received in response to questions on the latest offer. (2 additional addressees).

DATE: 1/13/1998

DOC ID: 1142920

PAGES: 6

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: Idaho Office of Attorney General; U. S. Dept. of the Interior; Dahl Environmental Associates; Coeur d'Alene Tribe; U. S. Dept. of the Interior

ADDRESSEES: Fransen, Curt A; Stein, Barry; Dahl, Thomas; Cernera, Phillip J; Foley, Bob

CONFIDENTIAL: Attorney-Client Work Product

Confidential settlement communication.

DATE: 1/14/1998

DOC ID: 1071035

PAGES: 6

AUTHORS: Unknown

AUTHOR ORG: Unknown

ADDRESSEE ORG: Unknown

ADDRESSEES: Unknown, Tom

CONFIDENTIAL: Attorney-Client Privilege

E-mail regarding proposed EPA requirements for a Union Pacific Rails-to-Trails settlement.

DATE: 1/21/1998

DOC ID: 1071020

PAGES: 2

AUTHORS: Sheldrake, Sean A

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Liverman, Earl; Villa, Cliff

CONFIDENTIAL: Attorney-Client Privilege

Handwritten transmittal note commenting on the attached memo from Ian von Lindern regarding comments on health protective barriers indicated in the amended good faith offer.

DATE: 1/23/1998

DOC ID: 1071262

PAGES: 10

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA; EPA

ADDRESSEES: Grandinetti, Cami; Nearman, Mary Jane; Sheldrake, Sean A

CONFIDENTIAL: Attorney-Client Privilege

E-mail regarding Union Pacific negotiations.

DATE: 1/27/1998

DOC ID: 1071034

PAGES: 1

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA; EPA

ADDRESSEES: Nearman, Mary Jane; Kowalski, Edward J; Gearheard, Michael

CONFIDENTIAL: Attorney-Client Privilege

E-mail regarding Union Pacific negotiations.

DATE: 1/29/1998

DOC ID: 1071021

PAGES: 1

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Kowalski, Edward J; Santurbane, Kim

CONFIDENTIAL: Attorney-Client Privilege

E-mail regarding Curt Fransen's comments on the Basin RI/FS.

DATE: 2/2/1998

DOC ID: 1071022

PAGES: 1

AUTHORS: Sheldrake, Sean A

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA; EPA

ADDRESSEES: Nearman, Mary Jane; Gearheard, Michael; Liverman, Earl; Villa, Cliff

CONFIDENTIAL: Attorney-Client Work Product

E-mail regarding the proposed UPRR Engineering Evaluation/Cost Analysis schedule.

DATE: 2/9/1998

DOC ID: 1071032

PAGES: 1

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA; EPA

ADDRESSEES: Nearman, Mary Jane; Wilson, Nancy; Liverman, Earl

CONFIDENTIAL: Attorney-Client Work Product

E-mail regarding the proposed UPRR Engineering Evaluation/Cost Analysis schedule.

DATE: 2/9/1998

DOC ID: 1071033

PAGES: 1

AUTHORS: Gearheard, Michael

AUTHOR ORG: EPA  
ADDRESSEE ORG: EPA; EPA  
ADDRESSEES: Villa, Clifford J; Wilson, Nancy  
CONFIDENTIAL: Attorney-Client Work Product

E-mail listing questions regarding the Gem Portal draft work plan.

DATE: 2/17/1998

DOC ID: 1092301

PAGES: 1

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Liverman, Earl

CONFIDENTIAL: Attorney-Client Privilege

Memo providing the location of and agenda for a 4/27-28/98 meeting with Union Pacific in Seattle.

DATE: 4/23/1998

DOC ID: 1052776

PAGES: 2

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: Givens Funke & Work; Union Pacific Railroad Company; EPA; Idaho Office of Attorney General; Dahl Environmental Associates; U. S. Dept. of Agriculture; U. S. Forest Service

ADDRESSEES: Funke, Howard; Greenland, Thomas E; Villa, Clifford J; Fransen, Curt A; Dahl, Thomas; Silverman, Steve; Putnam, Bill

CONFIDENTIAL: Attorney-Client Privilege

Memo commenting on Section 6 and portions of Section 3 of the Engineering Evaluation/Cost Analysis (with handwritten annotations).

DATE: 5/29/1998

DOC ID: 1085960

PAGES: 11

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: EPA; Dahl Environmental Associates

ADDRESSEES: Villa, Clifford J; Dahl, Thomas

CONFIDENTIAL: Attorney-Client Privilege

Comments on the Gem Portal Work Plan.

DATE: 6/23/1998

DOC ID: 1125818

PAGES: 1

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA  
ADDRESSEES: Liverman, Earl  
CONFIDENTIAL: Attorney-Client Privilege

Email re: UPRR Related Biological Assessment.

DATE: 8/10/1998

DOC ID: 1350651

PAGES: 1

AUTHORS: Williamson, Ann

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Liverman, Earl; Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

Email re: USFWS Biological Assessment.

DATE: 8/10/1998

DOC ID: 1350652

PAGES: 3

AUTHORS: Liverman, Earl

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

Reply to e-mail commenting on the draft Engineering Evaluation/Cost Analysis for Union Pacific Rails-to-Trails.

DATE: 8/13/1998

DOC ID: 1085373

PAGES: 1

AUTHORS: Sheldrake, Sean A

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

E-mail regarding the repo letter.

DATE: 9/5/1998

DOC ID: 1085374

PAGES: 1

AUTHORS: Sheldrake, Sean A

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege



E-mail regarding the Union Pacific risk assessment (Lorenzana's review notes for the 8/98 version are attached).

DATE: 9/11/1998

DOC ID: 1085380

PAGES: 3

AUTHORS: Sheldrake, Sean A

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA; EPA

ADDRESSEES: Lorenzana, Roseanne M; Grandinetti, Cami; Williamson, Ann

CONFIDENTIAL: Attorney-Client Privilege

Email comments on sampling work at Gem Portal (email attachment, dated 9/14/98, from Yackulic to Dailey and Nearman).

DATE: 9/14/1998

DOC ID: 1107232

PAGES: 3

AUTHORS: Nearman, Mary Jane

AUTHOR ORG: EPA

ADDRESSEE ORG: CH2M Hill, Inc.; URS Greiner, Inc.

ADDRESSEES: Winstanley, Daniel J; Rosenfeld, Michael

CONFIDENTIAL: Attorney-Client Privilege

Memo regarding the Union Pacific Human Health Risk Assessment.

DATE: 9/17/1998

DOC ID: 1085381

PAGES: 1

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Williamson, Ann; Sheldrake, Sean A; Liverman, Earl; Villa, Clifford J; Grandinetti, Cami

CONFIDENTIAL: Attorney-Client Privilege

E-mail regarding waste repository options.

DATE: 9/29/1998

DOC ID: 1085666

PAGES: 1

AUTHORS: Sheldrake, Sean A

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA; EPA

ADDRESSEES: Grandinetti, Cami; Liverman, Earl; Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

Memo regarding Union Pacific Valuation of the offer made to date. Memo transmits an estimate of the offer made to date.

DATE: 10/22/1998

DOC ID: 1142924

PAGES: 4

AUTHORS: Swegle, Thomas W.

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: U. S. Dept. of the Interior; Givens Funke & Work; EPA; Idaho Office of Attorney General

ADDRESSEES: Stein, Barry; Funke, Howard; Villa, Clifford J; Fransen, Curt A

CONFIDENTIAL: Attorney-Client Privilege

Letter regarding Coeur d'Alene Basin Settlement Negotiations. (with handwritten notes by C. Villa and E. Liverman.

DATE: 11/12/1998

DOC ID: 1142918

PAGES: 8

AUTHORS: Fransen, Curt A; Funke, Howard; Swegle, Thomas W

AUTHOR ORG: Idaho Office of Attorney General; Givens Funke & Work; U. S. Dept. of Justice

ADDRESSEE ORG: Union Pacific Railroad Company

ADDRESSEES: Greenland, Thomas E

CONFIDENTIAL: Attorney-Client Privilege/Work Product

Memo regarding draft letter to T. Greenland in Response to November 4, 1998 letter.

DATE: 11/12/1998

DOC ID: 1142919

PAGES: 1

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: Idaho Office of Attorney General; U. S. Dept. of the Interior; Coeur d'Alene Tribe; EPA; Givens Funke & Work

ADDRESSEES: Fransen, Curt A; Stein, Barry; Cernera, Phillip J; Villa, Clifford J; Funke, Howard

CONFIDENTIAL: Attorney-Client Privilege/Work Product

Correspondence re: UPRR Agreement.

DATE: 11/12/1998

DOC ID: 1350655

PAGES: 20

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Liverman, Earl

CONFIDENTIAL: Attorney-Client Privilege

Letter re: Union Pacific Negotiations.

DATE: 11/16/1998

DOC ID: 1350659

PAGES: 3

AUTHORS: Fransen, Curt A

AUTHOR ORG: Idaho Office of Attorney General

ADDRESSEE ORG: EPA

ADDRESSEES: Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

Email re: DOJ/UPRR Response.

DATE: 11/16/1998

DOC ID: 1350641

PAGES: 2

AUTHORS: Liverman, Earl

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

E-mail regarding Union Pacific ROW Assessment.

DATE: 11/18/1998

DOC ID: 1071379

PAGES: 1

AUTHORS: Lorenzana, Roseanne M

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Sheldrake, Sean A; Gearheard, Michael

CONFIDENTIAL: Attorney-Client Privilege

Memo transmitting and commenting on the Second Draft of Settlement Letter to Union Pacific.

DATE: 11/30/1998

DOC ID: 1142917

PAGES: 7

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: Coeur d'Alene Tribe; Idaho Office of Attorney General; Givens Funke & Work; EPA

ADDRESSEES: Cernera, Phillip J; Fransen, Curt A; Funke, Howard; Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

E-mail regarding UPRR redline strikeout.

DATE: 12/7/1998

DOC ID: 1071646

PAGES: 1

AUTHORS: Sheldrake, Sean A

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA; EPA

ADDRESSEES: Villa, Clifford J; Liverman, Earl; Grandinetti, Cami  
CONFIDENTIAL: Attorney-Client Privilege

Memorandum re: Administrative Record File, UPRR Wallace-Mullan Branch Rails to Trails Response Action.

DATE: 12/14/1998

DOC ID: 1350658

PAGES: 52

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: Givens Funke & Work; MFG, Inc. (McCulley Frick & Gilman); Idaho Office of Attorney General; U. S. Dept. of Justice; Union Pacific Railroad Company

ADDRESSEES: Funke, Howard; Bolis, Judith L; Fransen, Curt A; Swegle, Thomas W; Greenland, Thomas E

CONFIDENTIAL: Attorney-Client Privilege

Email re: Union Pacific Agreement in Principle.

DATE: 12/22/1998

DOC ID: 1350640

PAGES: 3

AUTHORS: Liverman, Earl

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Vakoc, Misha; Deppman, Marianne

CONFIDENTIAL: Attorney-Client Privilege/Work Product

Memo providing comments on the DOJ and PRP editorial changes to the 12/98 Union Pacific Right-of-Way Risk Assessment (annotated drafts, comment memos and notes attached).

DATE: 12/28/1998

DOC ID: 1071649

PAGES: 82

AUTHORS: Lorenzana, Roseanne M

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Sheldrake, Sean A

CONFIDENTIAL: Attorney-Client Privilege

E-mail regarding the Union Pacific agreement-in-principal.

DATE: 1/4/1999

DOC ID: 1071650

PAGES: 2

AUTHORS: Sheldrake, Sean A

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA; EPA

ADDRESSEES: Deppman, Marianne; Grandinetti, Cami; Williamson, Ann  
CONFIDENTIAL: Attorney-Client Privilege

Email re: Union Pacific Agreement in Principle.

DATE: 1/5/1999

DOC ID: 1350657

PAGES: 2

AUTHORS: Liverman, Earl

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Grandinetti, Cami; Sheldrake, Sean A

CONFIDENTIAL: Attorney-Client Privilege

Letter regarding Coeur d'Alene Settlement Negotiations: Agreement in Principle. (with handritten notes by C. Villa).

DATE: 1/7/1999

DOC ID: 1142916

PAGES: 3

AUTHORS: Fransen, Curt A; Funke, Howard; Swegle, Thomas W

AUTHOR ORG: Idaho Office of Attorney General; Givens Funke & Work; U. S. Dept. of Justice

ADDRESSEE ORG: Union Pacific Railroad Company

ADDRESSEES: Greenland, Thomas E

CONFIDENTIAL: Attorney-Client Privilege

Memo regarding the telephone call with Tom Greenland to discuss Union Pacific negotiations.

DATE: 2/23/1999

DOC ID: 1142909

PAGES: 1

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: Idaho Office of Attorney General; EPA; Givens Funke & Work

ADDRESSEES: Fransen, Curt A; Villa, Clifford J; Funke, Howard

CONFIDENTIAL: Attorney-Client Privilege

Memo transmits a signed copy of the Agreement in Principle between Governments and Union Pacific in Coeur d'Alene Basin. (1 additional addressee).

DATE: 3/30/1999

DOC ID: 1142915

PAGES: 11

AUTHORS: Swegle, Thomas W

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: EPA; Givens Funke & Work; U. S. Dept. of Agriculture; Idaho Office of Attorney General; U. S. Dept. of the Interior

ADDRESSEES: Villa, Clifford J; Funke, Howard; Silverman, Steve; Fransen, Curt A; Stein, Barry

CONFIDENTIAL: Attorney-Client Privilege

Email re: Potential Issues Affecting Proposed UPRR Actions.

DATE: 4/8/1999

DOC ID: 1350642

PAGES: 2

AUTHORS: Liverman, Earl

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA; EPA

ADDRESSEES: Williamson, Ann; Grandinetti, Cami; Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

Email re: Next Steps on Wallace Mullan ROW Clean up.

DATE: 4/16/1999

DOC ID: 1350647

PAGES: 12

AUTHORS: Liverman, Earl

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; Unknown; EPA; Coeur d'Alene Tribe; EPA

ADDRESSEES: Villa, Clifford J; Hardy, Rogers; Liverman, Earl; Cernera, Phillip J;  
Clarke, Charles C

CONFIDENTIAL: Attorney-Client Privilege

Letter re Gem Portal.

DATE: 10/12/1999

DOC ID: 1060330

PAGES: 1

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Liverman, Earl

CONFIDENTIAL: Attorney-Client Privilege

E-mail concerning potential Osburn repository site (attached: letter of 3/7/00 to W. Brighton, U.S. Dept. of Justice, and C. Steiner-Riley, EPA, from W.F. Boyd with attachments).

DATE: 4/28/2000

DOC ID: 1133959

PAGES: 56

AUTHORS: Liverman, Earl

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

Email regarding the Day Rock site.

DATE: 6/21/2000

DOC ID: 1120914

PAGES: 1

AUTHORS: Sheldrake, Sean A

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Barber, Anthony; Liverman, Earl; Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

Letter transmitting the Partial Consent Decree with Sunshine Defendants in U. S. V. ASARCO resolving liability in Coeur d'Alene Basin Litigation. (Attachments included).

DATE: 12/14/2000

DOC ID: 1142464

PAGES: 74

AUTHORS: Findley, Charles E.

AUTHOR ORG: EPA

ADDRESSEE ORG: U. S. Dept. of Justice

ADDRESSEES: Schiffer, Lois J

CONFIDENTIAL: Attorney-Client Privilege/Work Product

E-mail summarizing phone call from W. Boyd to D. Dain.

DATE: 3/28/2001

DOC ID: 1133963

PAGES: 1

AUTHORS: Dain, David L

AUTHOR ORG: U. S. Dept. of Justice

ADDRESSEE ORG: EPA

ADDRESSEES: Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege/Work Product

E-mail regarding size, ownership and suitability as repository of parcels in Burns-Yaak acreage.

DATE: 3/29/2001

DOC ID: 1133964

PAGES: 1

AUTHORS: Liverman, Earl

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

E-mail series regarding Superfund News items.

DATE: 4/2/2001

DOC ID: 1145388

PAGES: 2

AUTHORS: Dailey, Anne  
AUTHOR ORG: EPA  
ADDRESSEE ORG: EPA  
ADDRESSEES: Steiner-Riley, Cara  
CONFIDENTIAL: Attorney-Client Privilege

E-mail commenting on proposed Coeur d'Alene Mine and Mill Site Removal Work Plan and proposed comments.

DATE: 5/8/2001  
DOC ID: 1133969  
PAGES: 1  
AUTHORS: Villa, Clifford J  
AUTHOR ORG: EPA  
ADDRESSEE ORG: EPA  
ADDRESSEES: Liverman, Earl  
CONFIDENTIAL: Attorney-Client Privilege

Email regarding UPRR eagle nest options.

DATE: 8/6/2001  
DOC ID: 1131813  
PAGES: 2  
AUTHORS: Villa, Clifford J  
AUTHOR ORG: EPA  
ADDRESSEE ORG: EPA  
ADDRESSEES: Dailey, Anne  
CONFIDENTIAL: Attorney-Client Privilege

Supplemental Biological Assessment for Bald Eagles - Union Pacific Railroad Wallace-Mullan Branch Implementation of Response Action and Rails-to-Trails Conversion.

DATE: 8/13/2001  
DOC ID: 1131822  
PAGES: 14  
AUTHORS: Villa, Clifford J  
AUTHOR ORG: EPA  
ADDRESSEE ORG: EPA  
ADDRESSEES: Dailey, Anne  
CONFIDENTIAL: Attorney-Client Privilege

Email transmitting Draft Supplemental Biological Assessment for Bald Eagles - Union Pacific Railroad Wallace-Mullan Branch Implementation of Response Action and Rails-to-Trails Conversion.

DATE: 9/24/2001  
DOC ID: 1131823  
PAGES: 16  
AUTHORS: Dailey, Anne  
AUTHOR ORG: EPA



ADDRESSEE ORG: EPA

ADDRESSEES: Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

Comments on Draft Supplemental Biological Assessment for Bald Eagles - Union Pacific Railroad Wallace-Mullan Branch Implementation of Response Action and Rails-to-Trails Conversion.

DATE: 9/24/2001

DOC ID: 1131824

PAGES: 11

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Dailey, Anne

CONFIDENTIAL: Attorney-Client Privilege

Email transmitting Draft Supplemental Biological Assessment for Bald Eagles - Union Pacific Railroad Wallace-Mullan Branch Implementation of Response Action and Rails-to-Trails Conversion (handwritten notes).

DATE: 9/24/2001

DOC ID: 1131826

PAGES: 15

AUTHORS: Dailey, Anne

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Villa, Clifford J

CONFIDENTIAL: Attorney-Client Privilege

Email regarding UPRR Anderson Lake eagle incident.

DATE: 5/31/2002

DOC ID: 1142376

PAGES: 1

AUTHORS: Dailey, Anne

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Martindale, Dick; Villa, Clifford J; Eckman, Sheila M; Steiner-Riley, Cara

CONFIDENTIAL: Attorney-Client Privilege

E-mail regarding indemnity agreements and property access for Ninemile Creek Canyon.

DATE: 4/28/2003

DOC ID: 1180761

PAGES: 2

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Adams, Bill  
CONFIDENTIAL: Attorney-Client Privilege

Email re Ninemile property owner.

DATE: 4/28/2003

DOC ID: 1162910

PAGES: 1

AUTHORS: Villa, Clifford J

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA

ADDRESSEES: Adams, Bill

CONFIDENTIAL: Attorney-Client Privilege

Email transmitting revised Confidential Comprehensive Response Action Maintenance Plan. (Attached draft plan)

DATE: 6/26/2006

DOC ID: 1355391

PAGES: 63

AUTHORS: Moreen, Ed; Herz, Dianne L

AUTHOR ORG: EPA; Funke & Work

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Chung, Angela; Villa, Clifford J; Ryan, Bill

CONFIDENTIAL: Attorney-Client Privilege

Email regarding response to a message from the Hardys.

DATE: 11/15/2006

DOC ID: 1250618

PAGES: 2

AUTHORS: Sherbina, Debra

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Villa, Clifford J; Chung, Angela

CONFIDENTIAL: Attorney-Client Privilege

Email regarding draft message to the Hardys regarding the RAMP comment period.

DATE: 11/16/2006

DOC ID: 1250624

PAGES: 1

AUTHORS: Sherbina, Debra

AUTHOR ORG: EPA

ADDRESSEE ORG: EPA; EPA

ADDRESSEES: Chung, Angela; Villa, Clifford J; Moreen, Ed

CONFIDENTIAL: Attorney-Client Privilege

Email regarding public comments on the RAMP.

DATE: 12/19/2006

DOC ID: 1250622  
PAGES: 16  
AUTHORS: Sherbina, Debra  
AUTHOR ORG: EPA  
ADDRESSEE ORG: EPA  
ADDRESSEES: Villa, Clifford J  
CONFIDENTIAL: Attorney-Client Privilege

Wallace Yard and Spur Lines Pre-Referral.  
DATE: 5/16/2008  
DOC ID: 1263619  
PAGES: 22  
AUTHORS: Kowalski, Edward J  
AUTHOR ORG: EPA  
ADDRESSEE ORG: U. S. Department of Justice  
ADDRESSEES: Tenpas, Ronald  
CONFIDENTIAL: Attorney-Client Privilege

Draft Streamlined Risk Assessment incorporating Swegle and Cooper's comments.  
DATE: No Date  
DOC ID: 1066600  
PAGES: 41  
AUTHORS: Cooper, Mike; Swegle, Thomas W  
AUTHOR ORG: MFG, Inc. (McCulley Frick & Gilman); U. S. Dept. of Justice  
ADDRESSEE ORG: EPA  
ADDRESSEES: Liverman, Earl  
CONFIDENTIAL: Attorney-Client Privilege/Work Product

Swegle and Cooper's comments on Section 0.0 Streamlined Risk Assessment.  
DATE: No Date  
DOC ID: 1071396  
PAGES: 41  
AUTHORS: Swegle, Thomas W; Cooper, Mike  
AUTHOR ORG: U. S. Dept. of Justice; MFG, Inc. (McCulley Frick & Gilman)  
ADDRESSEE ORG: Unknown  
ADDRESSEES: unknown, unknown  
CONFIDENTIAL: Attorney-Client Privilege/Work Product

Summary of Issues Plummer to Mullan Trail. (with handwritten notes by C. Villa).  
DATE: No Date  
DOC ID: 1142914  
PAGES: 3  
AUTHORS: unknown, unknown  
AUTHOR ORG: Unknown  
ADDRESSEE ORG: Unknown  
ADDRESSEES: unknown, unknown

CONFIDENTIAL: Attorney-Client Privilege

Data from the TSCA enforcement Action for Inland Aqua Tech Precious Metals. (With handwritten notes).

DATE: No Date

DOC ID: 1129366

PAGES: 4

AUTHORS: unknown, unknown

AUTHOR ORG: Unknown

ADDRESSEE ORG: Unknown

ADDRESSEES: unknown, unknown

CONFIDENTIAL: Attorney-Client Privilege

## EPA Region 10 Routing AND Concurrence Sheet

Author: Noel Saunders	Date: February 12, 2010
Addressee: Gregory Evans	
Subject: 10-FOI-00061-10	
File Name/Location: G:\Denali\FOIA - Noel\FOIA10	
Signer: Lori Cohen <i>LC</i> 2/22/10	

Routing Path and/or Admin Review:	Date:
1. Noel Saunders	2/12/2010
2. Angela Chung <i>AC</i> / Cami Grandinetti <i>CS</i>	2/16/2010
3. <del>Kelly Cole</del>	
4. Ted Yackulic	2/12/2010
5. <del>Bob Hartman</del> 6. Lori Cohen	

**Return to:** Noel Saunders

### CONCURRENCES

Name:	A. Chung	C. Grandinetti	K. Cole	Ted Yackulic	Bob Hartman	
Initials:	<i>AC</i>	<i>See above</i>	<i>See attached email</i>	<i>NAS for TY by email</i>	<i>BEH</i>	
Date:	2/19/10	2/16/10	2/16/10	2-12-2010	2/22/2010	

**ACTIONS/ADDITIONAL INFORMATION:** Copy of request and response letter to Noel for Record Center

mailing deadline:	
cc:	
bcc:	
email to:	
fax to:	
pdf to:	

Additional notes/requirements: *2 boxes of documents in ORC for inclusion in mailing; return to Beth Sheldrake following signature*

Filing Instructions:	Schedule:	Chronological:	Program:
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Updated 02/06/08



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 10

1200 Sixth Avenue, Suite 900  
Seattle, WA 98101-3140

OFFICE OF  
ENVIRONMENTAL CLEANUP

DEC 23 2009

Gregory Evans  
Milbank, Tweed, Hadley & McCloy LLP  
601 S. Figueroa Street, Thirtieth Floor  
Los Angeles, CA 90017-5735

Re: Freedom of Information Act (FOIA) Request 10-FOI-00061-10

Dear Mr. Evans:

This letter is an interim response to your FOIA request received by the Environmental Protection Agency (EPA) on November 19, 2009, in which you requested **any and all records regarding persons or entities identified as potentially responsible parties ("PRPs") at Operable Units 1, 2, and 3 of the Bunker Hill Mining and Metallurgical Complex Superfund Site.**

On December 8, 2009, you spoke with Mr. Ted Yackulic, EPA Region 10, Assistant Regional Counsel, to refine your FOIA request. Mr. Yackulic sent you a follow up email on the same day confirming that your refined FOIA request includes:

- The CERCLA 104e information requests and responses that EPA has sent to, and received from, the 20 PRPs identified in sections 12.11.1 - 12.11.20 of EPA's Basin Site File.
- The correspondence by and between EPA and the above referenced PRPs.
- The Keith Long, HRA, Rex Bull and Fred Quivik reports that were developed by the United States to support the phase 1 of the Basin litigation.
- Because Hecla and Asarco have already settled claims related to the Box and Basin, you are not interested in receiving information related to Hecla.
- You are not interested in receiving information that characterizes the environmental conditions within OU3 of the Bunker Hill Site.

Mr. Yackulic indicated that EPA would respond to your request by December 22, 2009, and that the response would close out your FOIA request. Since that date you and Mr. Yackulic have expanded the above refined request to include information regarding Union Pacific Railroad Company and the Burlington Northern Santa Fe Railway. Because of the need to search for, collect, and examine the amount of separate and distinct records involved in your request, the due date for the final FOIA response has been extended to January 31, 2010.

Enclosed please find photocopies and a CD containing copies of publicly releasable documents responsive to your initial refined request described above. Also enclosed is an index of documents that have been withheld. We are unable to provide copies of documents that are exempt from mandatory disclosure by virtue of 5 U.S.C. 552(b)(7)(A) - Enforcement

Confidential and 5 U.S.C. 552(b)(3)(B) - Confidential tax returns and other financial information.

In a December 16, 2009, email to Mr. Yackulic, you provided an assurance of payment of all FOIA fees necessary to obtain copies of documents responsive to your request. EPA will send billing and payment information with the final response to this FOIA request.

This information is provided by the Office of Environmental Cleanup and the Office of Regional Counsel. If you have any questions regarding this FOIA response, please contact Mr. Ted Yackulic at 206-553-1218 or by email at [Yackulic.Ted@epa.gov](mailto:Yackulic.Ted@epa.gov).

This concludes the first EPA Region 10 interim response to FOIA request number 10-FOI-00061-10.

Sincerely,

A handwritten signature in black ink, appearing to read "Lori Cohen", with a long horizontal flourish extending to the right.

Lori Cohen  
Acting Director  
Office of Environmental Cleanup

Withheld Documents for FOIA Number 10-RIN-00061-10

Date	Record Description	Amount of Information	Basis for Denial	Exemption 5 U.S.C. § 552(b)
3/31/09 to 11/10/09	<p>Letters containing settlement communication and exchanges between the United States and the following PRPs:</p> <ul style="list-style-type: none"> <li>• Alice Consolidated Mines, Inc.</li> <li>• Atlantic Richfield Company</li> <li>• Blackhawk Mining &amp; Development Co.</li> <li>• Callahan Consolidated Mines, Inc.</li> <li>• Constitution Mining</li> <li>• Golconda Mining Corporation</li> <li>• Group R Company, Inc.</li> <li>• Highland Surprise Consolidated Mining Co.</li> <li>• Hypotheek Mining and Milling Co.</li> <li>• Lookout Mountain Mining and Milling Company</li> <li>• Marmon Group, LLC</li> <li>• Nevada-Stewart Mining Co.</li> <li>• Silver Bowl, Inc.</li> <li>• Zanetti Brothers, Inc.</li> <li>• William Zanetti</li> <li>• Douglas Mining Co.</li> <li>• Nabob Silver Lead</li> <li>• Silver Mountain Lead Mines</li> <li>• Mascot Silver-Lead Mines</li> <li>• Mascot Mines, Inc.</li> <li>• Sidney Mining</li> <li>• Sidney Resources Corporation</li> </ul>	200 pages	Enforcement Confidential, Law Enforcement Proceedings	5 U.S.C. § 552(b) (7)(A)



5/24/76 to 11/2/09	<p>Tax returns and other confidential business information (CBI) submitted by PRPs to United States as part of 104(e) responses from the following PRPs:</p> <ul style="list-style-type: none"> <li>• Alice Consolidated Mines, Inc.</li> <li>• Atlantic Richfield Company</li> <li>• Callahan Consolidated Mines, Inc.</li> <li>• Constitution Mining</li> <li>• Golconda Mining Corporation</li> <li>• Group R Company, Inc.</li> <li>• Highland Surprise Consolidated Mining Co.</li> <li>• Hypotheek Mining and Milling Co.</li> <li>• Lookout Mountain Mining and Milling Company</li> <li>• Marmon Group, LLC</li> <li>• Nevada-Stewart Mining Co.</li> <li>• Silver Bowl, Inc.</li> <li>• Zanetti Brothers, Inc.</li> <li>• Douglas Mining Co.</li> <li>• Nabob Silver Lead</li> <li>• Silver Mountain Lead Mines</li> <li>• Mascot Silver-Lead Mines</li> <li>• Mascot Mines, Inc.</li> <li>• Sidney Mining</li> <li>• Sidney Resources Corporation</li> </ul>	1721	Confidential	5 U.S.C. §§ 552(b)(3)(B) & (7)(A)